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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,111	05/31/2001	Kenneth D. Comstock	035451-0136 (3652.Palm)	9798

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/871,111

Applicant(s)

COMSTOCK ET AL.

Examiner

Joy K. Contee

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-22, 29, 30, 32-34, 37-40, 43-49 and 60-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-22, 29, 30, 32-34, 37-40, 43-49 and 60-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-13,15-22,29,30,32-40,43-49 and 60-69, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-13,15-22,29-30,32-34,36-40,43-49,60-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosain et al. (Hosain), U.S. Patent No. 7,092,696, previously used, in view of Hamilton et al. (Hamilton), US 2002/0177431.

Regarding claims 2,4-11,14,19-20,22-29,31-32,25,41-42,50-60,62-67 Hosain discloses an accounting method for crediting an account associated with a network access node, comprising (and a portable device configured as a repeater):

means for receiving a data signal wirelessly;

means for forwarding the data signal wirelessly to a network user node; and

means for providing account crediting information to an accounting system,

wherein the account crediting information represents a credit to be recorded for an account associated with the portable device',

means for providing second account crediting information to the accounting

system, wherein the data signal is provided by an Internet service provider, wherein the second account crediting information represents a second credit to be recorded to an account associated with an Internet service provider (Col. 3, line 42 to col. 8, line 67 and see Figs. 2 and 3).

Hosain fails to explicitly disclose receiving a data signal wirelessly at the network access mode.

In a similar field of endeavor, Hamilton discloses receiving a data signal wirelessly at the network access mode (see abstract and Fig. 10).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hosain to include receiving a data signal wirelessly at the network access mode for the purpose of providing packet switched data services on a wireless network.

Regarding claims 3, 15 and 61, Hosain and Hamilton further disclose the wherein the network access node is further part of an ad hoc network (see Hamilton, page 2 [0038]).

Regarding claims 12, 13, 21, 30, 33, 34, 36-40, 43-49 and 68-69, Hosain and Hamilton further disclose wherein the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see Hamilton, page 1 [0008]).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC


JOY K. CONTEE
PATENT EXAMINER

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-7,9-13,15-22,29,30,32-40,43-49 and 60-69, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-7,9-13,15-22,29-30,32-34,36-40,43-49,60-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosain et al. (Hosain), U.S. Patent No. 7,092,696, previously used, in view of Hamilton et al. (Hamilton), US 2002/0177431, in further view of Haverinen et al. (Haverinen), US Pub. No. 2007/0060106.

Regarding claims 2,4-7,9-11,14,19-20,22-29,31-32,25,41-42,50-60,62-67 Hosain discloses an accounting method for crediting an account associated with a network access node, comprising (and a portable device configured as a repeater):

means for receiving a data signal wirelessly;

means for forwarding the data signal wirelessly to a network user node; and

means for providing account crediting information to an accounting system,

wherein the account crediting information represents a credit to be recorded for an account associated with the portable device',

means for providing second account crediting information to the accounting system, wherein the data signal is provided by an Internet service provider, wherein the second account crediting information represents a second credit to be recorded to an account associated with an Internet service provider (Col. 3, line 42 to col. Col. 8, line 67 and see Figs. 2 and 3).

Hosain fails to explicitly disclose receiving a data signal wirelessly at the network access mode.

In a similar field of endeavor, Hamilton discloses receiving a data signal wirelessly at the network access mode (see abstract and Fig. 10).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hosain to include receiving a data signal wirelessly at the network access mode for the purpose of providing packet switched data services on a wireless network.

The combination of Hosain and Hamilton fail to disclose wherein the network user node is a portable, handheld device having a display.

In a similar field of endeavor, Haverinen discloses wherein the network user node is a portable, handheld device having a display (reads on WLAN access node) (see pages 6-7 para 0172-01734).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include receiving a data signal wirelessly at the WLAN network access mode for the purpose of providing packet switched data services on a wireless network.

Regarding claims 3,15 and 61, Hosain and Hamilton further disclose the wherein the network access node is further part of an ad hoc network (see Hamilton, page 2 [0038])).

Regarding claims 12,13,21,30,33,34,36-40,43-49 and 68-69, Hosain and Hamilton further disclose wherein the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see Hamilton, page 1 [0008])

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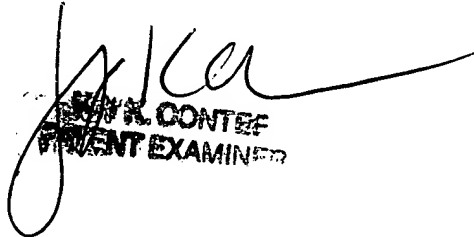
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JC


J. L. CONTE
PATENT EXAMINER